

REMARKS

Claims 1, 7 and 13 have been amended and claims 3-5, 9-11, and 15-17 have been cancelled. New claims 19-21 have been added to further protect applicants' invention. Accordingly, claims 1, 2, 6, 7, 8, 12-14 and 18-21 are presented for examination.

Claim 1 has been amended to recite receiving on a supply chain management computer sales data from a plurality of independent stores of a franchise supply chain utilizing a network, the sales data relating to completed sales of goods from a plurality of the independent stores; allowing a plurality of suppliers access to the sales data utilizing a network-based interface; allowing a plurality of the suppliers to display and offer products and services related to the production or distribution of the goods to the independent stores based on the sales data utilizing the network-based interface; allowing the plurality of the suppliers to display advertisements relating to the products and services offered to the respective independent stores; and allowing the acceptance of bids on the goods from the users utilizing the network.

The basis for these changes may be found at pages 51-54 of applicants' specification.

Comparable amendments have been made to claims 7 and 13.

Additionally, claims 1, 7 and 13 have been amended to obviate the section 112 objection in the office action.

The invention is directed to creating purchasing power in a single store purchaser to obtain prices which, prior to this invention, could only be extracted by the largest retailer purchasers, such as Walmart. In the claimed method, system, and program product, suppliers, both inside and outside of the supply chain system are provided with POS data from a plurality of franchise stores. For example, in the context of a restaurant, the POS sales data may indicate that store A has sold 50 cases of hamburgers. This sales data is accessed by various suppliers, who are then allowed to make unsolicited offers to supply the products, such as cheese slices, hamburger, and pickles, that are used for the production of the goods that were sold. This visibility of the POS data to multiple suppliers places the multiple suppliers in a blind competitive position, wherein they are motivated to offer their best prices for their products. However, this blind position can be countered through the allowance of advertising by the supplier relating to the offered products, to permit the highlighting of

features designed to obtain a price premium from the store (our cheese slices are grade A, for example).

Claims 1-18 were rejected under 35 USC 103 as being unpatentable over Perkowski (US 2003/0009392). This rejection is respectfully traversed.

Perkowski relates to providing product information applets for use in web documents to be used for online auctions and embedding in auction pages. Advertisements for a given product appear when the universal product number for that product is entered. The examiner makes reference to paragraphs 54 and 56 in Perkowski. These paragraphs relate to creating Applets for product related information. As the examiner notes, Perkowski does not disclose the display aspect, or the advertisement of products required for the production of goods, much less as defined in the present combination. Moreover, Perkowski discloses the use of kiosks near point of sale outlets to display advertisements. No reference was found to receiving point of sale data from a plurality of stores and permitting a plurality of suppliers to access that data and make offers in response thereto.

Note that the office action makes a number of statements relating to the selected steps of displaying, advertising, and setting charges being obvious design choices for one or ordinary skill in the art. If this is again asserted in a future office action, it is timely requested that this position be substantiated with prior art references, per MPEP 2144.03, and that a suggestion in the prior art be pointed out for a motivation to combine each of these elements to realize the claimed combination. In view of the fact that multiple elements are missing from these references, such proof is essential to nullify the potential that applicants' specification is being used as a blueprint for such a combination.

New dependent claims 19-21 have been added to cover the aspect of charging the suppliers for access to the sales data.

In view of the foregoing amendments and remarks, the case is now in a condition for allowance. Early reconsideration and passage to issue is respectfully requested.

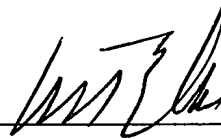
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

4/12/04

By



FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

William T. Ellis
Attorney for Applicant
Registration No. 26,874